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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,765

10/30/2003

William Bernard Trescott

6672

7590

03/23/2006

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EXAMINER

TO, TOAN C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,765	Applicant(s) TRESCOTT, WILLIAM BERNARD	
	Examiner Toan C. To	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 12 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8-11 and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: claim 4 should depend on claim 1 instead of claim 6, for purpose of examining the claim on merit the examiner assumes that claim 4 depends on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said wheel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gottschalk et al (U.S. 6,073,947).

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Gottschalk et al discloses a heavy truck rear suspension consisting of a wheel axle (5), said wheel axle (5) being support by an arm (13), said arm being connected to a vehicle frame by a first pivot (37), said first pivot (37) being connected to a second pivot (35), said second pivot (35) being connected to said vehicle frame (3) on a common axis (the solid line connecting the first pivot 35 and second pivot 37 in figure 2A) with said first pivot (37), said axle (5), said first pivot, and said second pivot (35) being non-coplanar.

As to claim 2, Gottschalk et al discloses a heavy truck rear suspension, wherein said second pivot (35) is higher than said first pivot (37).

As to claim 3, Gottschalk et al discloses a heavy truck rear suspension, wherein said second pivot is lower than said first pivot (in this case, the examiner interprets the suspension arm 11, the upper pivot 35, and the lower pivot 37 respectively correspond to the arm, the first pivot and the second pivot as claimed).

As to claim 7, Gottschalk et al discloses a heavy truck rear suspension wherein the first and second pivots are connected by a support axle (hanger 9 acts as a support axle).

6. Claims 1-2 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickerson (U.S. 5,476,285).

Dickerson discloses a heavy truck rear suspension consisting of a wheel axle (see column 6, line 27), said wheel axle being support by an arm (20), said arm being connected to a vehicle frame (10) by a first pivot (21), said first pivot (21) being connected to a second pivot (29), said second pivot (29) being connected to said

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vehicle frame (10) on a common axis (a line connects a center of pivotal mounting 21 to a center of pivot pin 29 is interpreted as a common axis) with said first pivot (21), said axle, said first pivot, and said second pivot (29) being non-coplanar; wherein said second pivot (29) is higher than said first pivot (21); and at least one motor (16) coupled to the wheel axle.

7. Claims 1-2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Keeler et al (U.S. 5,620,194).

Keeler et al discloses a heavy truck rear suspension consisting of a wheel axle (25), said wheel axle (25) being support by an arm (3), said arm being connected to a vehicle frame by a first pivot (5b), said first pivot (5b) being connected to a second pivot (5a), said second pivot (5a) being connected to said vehicle frame (9) on a common axis (a line connects centers of the pivots 5a and 5b is interpreted as a common axis) with said first pivot (5b), said axle (25), said first pivot, and said second pivot (35) being non-coplanar; wherein the second pivot (5a) is higher than the first pivot (5b).

As to claim 18, Keeler et al discloses a heavy truck rear suspension further comprising means (35) for pivoting the wheel axle, control means (209) for automatically controlling the pivoting means and a sensor (225) coupled to the control means (209), the sensor (225) producing signal representative of motion (vehicle speed) of the vehicle, the control means (209) responsive to the sensor (225).

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Allowable Subject Matter

8. Claims 4-6, 8-11, 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
March 16, 2006


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3616